

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 2005 be amended to read as follows:

- 1 Page 2, line 10, after "characteristics;" insert "**and**".
- 2 Page 2, delete lines 11 through 13.
- 3 Page 2, line 14, delete "(C)" and insert "**(B)**".
- 4 Page 8, delete lines 12 through 31, begin a new paragraph and
- 5 insert:
- 6 "**(e) An owner must file with an application for exemption of**
- 7 **real property under subsection (a) or section 5 of this chapter a**
- 8 **copy of the township assessor's record kept under IC 6-1.1-4-25(a)**
- 9 **that shows the calculation of the assessed value of the real property**
- 10 **for the assessment date for which the exemption is claimed. Upon**
- 11 **receipt of the exemption application, the county assessor shall**
- 12 **examine that record and determine if the real property for which**
- 13 **the exemption is claimed is properly assessed. If the county**
- 14 **assessor determines that the real property is not properly assessed,**
- 15 **the county assessor shall direct the township assessor of the**
- 16 **township in which the real property is located to:**
- 17 **(1) properly assess the real property; and**
- 18 **(2) notify the county assessor and county auditor of the**
- 19 **proper assessment.**
- 20 **(f) If the county assessor determines that the applicant has not**
- 21 **filed with an application for exemption a copy of the record**
- 22 **referred to in subsection (e), the county assessor shall notify the**
- 23 **applicant in writing of that requirement. The applicant then has**
- 24 **thirty (30) days after the date on the notice to comply with that**
- 25 **requirement. The county property tax assessment board of appeals**
- 26 **shall deny an application described in this subsection if the**
- 27 **applicant does not comply with that requirement within the time**
- 28 **permitted under this subsection.**
- 29 SECTION 5. IC 6-1.1-11-3.5, AS AMENDED BY P.L.198-2001,
- 30 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 31 UPON PASSAGE]: Sec. 3.5. (a) A not-for-profit corporation that seeks

an exemption provided by IC 6-1.1-10 for 2000 or for a year that follows 2000 by a multiple of two (2) years must file an application for the exemption in that year. However, if a not-for-profit corporation seeks an exemption provided by IC 6-1.1-10 for a year not specified in this subsection and the corporation did not receive the exemption for the preceding year, the corporation must file an application for the exemption in the year for which the exemption is sought. The not-for-profit corporation must file each exemption application in the manner (other than the requirement for filing annually) prescribed in section 3 of this chapter.

(b) A not-for-profit corporation that receives an exemption provided under IC 6-1.1-10 for a particular year that remains eligible for the exemption for the following year is only required to file a statement to apply for the exemption in the years specified in subsection (a), if the use of the not-for-profit corporation's property remains unchanged.

(c) A not-for-profit corporation that receives an exemption provided under IC 6-1.1-10 for a particular year which becomes ineligible for the exemption for the following year shall notify the ~~auditor~~ **assessor** of the county in which the tangible property for which it claims the exemption is located of its ineligibility on or before May 15 of the year for which it becomes ineligible. If a not-for-profit corporation that is receiving an exemption provided under IC 6-1.1-10 changes the use of its tangible property so that part or all of that property no longer qualifies for the exemption, the not-for-profit corporation shall notify the ~~auditor~~ **assessor** of the county in which the tangible property for which it claims the exemption is located of its ineligibility on or before May 15 of the year for which it first becomes ineligible. The county ~~auditor~~ **assessor** shall immediately notify the county ~~assessor~~ **auditor** of the not-for-profit corporation's ineligibility or disqualification for the exemption. A not-for-profit corporation that fails to provide the notification required by this subsection is subject to the penalties set forth in IC 6-1.1-37-9.

(d) For each year that is not a year specified in subsection (a), the auditor of each county shall apply an exemption provided under IC 6-1.1-10 to the tangible property owned by a not-for-profit corporation that received the exemption in the preceding year unless the county property tax assessment board of appeals determines that the not-for-profit corporation is no longer eligible for the exemption.

(e) The department of local government finance may at any time review an exemption provided under this section and determine whether or not the not-for-profit corporation is eligible for the exemption."

Page 8, line 42, delete "corporation;" and insert "**entity**;"

Page 9, delete lines 21 through 42, begin a new paragraph and insert:

"SECTION 7. IC 6-1.1-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) **Before May**

1 **16 of each even-numbered year, the county auditor shall provide**
 2 **to the county assessor a list by taxing district of property for which**
 3 **a tax exemption was in effect for the immediately preceding year.**
 4 **Before May 16 of each even-numbered year, the county assessor**
 5 **shall return the list to the county auditor with a notation of any**
 6 **action of the county property tax assessment board of appeals on**
 7 **that year's exemption of each listed property.**

8 (b) The ~~auditor~~ **assessor** of the county in which property is located
 9 shall, in ~~a particular~~ **each even-numbered** year, mail a notice to the
 10 owner of the property if:

- 11 (1) the owner has not applied for a tax exemption for that year;
- 12 (2) a tax exemption for the property was in effect for the
- 13 immediately preceding year; and
- 14 (3) the owner is required to file an application for the exemption
- 15 for that year under section 3 ~~or~~ 3.5 of this chapter.

16 ~~(b)~~ (c) The notice required by ~~this section~~ **subsection (b)** must:

- 17 (1) identify the property by key number, if any, and a street
- 18 address, if any, or other common description of the property other
- 19 than a legal description; and
- 20 (2) state that the property will be placed on the county tax
- 21 duplicate unless the owner applies for an exemption within fifteen
- 22 (15) days after the date the notice is mailed.

23 The county ~~auditor~~ **assessor** shall mail any notice required by ~~this~~
 24 ~~section or~~ **subsection (b)** before June ~~15~~ **16** of the year in which the
 25 exemption application should have been filed.

26 ~~(c)~~ (d) A county ~~auditor's~~ **assessor's** failure to give the notice
 27 required by ~~this section~~ **subsection (b)** does not continue an exemption
 28 unless an exemption application is filed by the owner and approved by
 29 the county property tax assessment board of appeals on or before the
 30 first Monday in November of the year following the year in which the
 31 application should have been filed."

32 Page 10, delete lines 1 through 3.

33 Page 11, delete lines 24 through 42, begin a new paragraph and
 34 insert:

35 "SECTION 12. IC 6-1.1-21-4, AS AMENDED BY
 36 P.L.192-2002(ss), SECTION 41, IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) Each year the
 38 department shall allocate from the property tax replacement fund an
 39 amount equal to the sum of:

- 40 (1) each county's total eligible property tax replacement amount
- 41 for that year; plus
- 42 (2) the total amount of homestead tax credits that are provided
- 43 under IC 6-1.1-20.9 and allowed by each county for that year;
- 44 plus
- 45 (3) an amount for each county that has one (1) or more taxing
- 46 districts that contain all or part of an economic development
- 47 district that meets the requirements of section 5.5 of this chapter.

1 This amount is the sum of the amounts determined under the
 2 following STEPS for all taxing districts in the county that contain
 3 all or part of an economic development district:

4 STEP ONE: Determine that part of the sum of the amounts
 5 under section 2(g)(1)(A) and 2(g)(2) of this chapter that is
 6 attributable to the taxing district.

7 STEP TWO: Divide:

8 (A) that part of the subdivision (1) amount that is
 9 attributable to the taxing district; by

10 (B) the STEP ONE sum.

11 STEP THREE: Multiply:

12 (A) the STEP TWO quotient; times

13 (B) the taxes levied in the taxing district that are allocated to
 14 a special fund under IC 6-1.1-39-5.

15 (b) Except as provided in subsection (e), between March 1 and
 16 August 31 of each year, the department shall distribute to each county
 17 treasurer from the property tax replacement fund one-half (1/2) of the
 18 estimated distribution for that year for the county. Between September
 19 1 and December 15 of that year, the department shall distribute to each
 20 county treasurer from the property tax replacement fund the remaining
 21 one-half (1/2) of each estimated distribution for that year. The amount
 22 of the distribution for each of these periods shall be according to a
 23 schedule determined by the property tax replacement fund board under
 24 section 10 of this chapter. The estimated distribution for each county
 25 may be adjusted from time to time by the department to reflect any
 26 changes in the total county tax levy upon which the estimated
 27 distribution is based.

28 (c) On or before December 31 of each year or as soon thereafter as
 29 possible, the department shall make a final determination of the amount
 30 which should be distributed from the property tax replacement fund to
 31 each county for that calendar year. This determination shall be known
 32 as the final determination of distribution. The department shall
 33 distribute to the county treasurer or receive back from the county
 34 treasurer any deficit or excess, as the case may be, between the sum of
 35 the distributions made for that calendar year based on the estimated
 36 distribution and the final determination of distribution. The final
 37 determination of distribution shall be based on the auditor's abstract
 38 filed with the auditor of state, adjusted for postabstract adjustments
 39 included in the December settlement sheet for the year, and such
 40 additional information as the department may require.

41 (d) All distributions provided for in this section shall be made on
 42 warrants issued by the auditor of state drawn on the treasurer of state.
 43 If the amounts allocated by the department from the property tax
 44 replacement fund exceed in the aggregate the balance of money in the
 45 fund, then the amount of the deficiency shall be transferred from the
 46 state general fund to the property tax replacement fund, and the auditor
 47 of state shall issue a warrant to the treasurer of state ordering the

1 payment of that amount. However, any amount transferred under this
 2 section from the general fund to the property tax replacement fund
 3 shall, as soon as funds are available in the property tax replacement
 4 fund, be retransferred from the property tax replacement fund to the
 5 state general fund, and the auditor of state shall issue a warrant to the
 6 treasurer of state ordering the replacement of that amount.

7 (e) Except as provided in subsection (i), the department shall not
 8 distribute under subsection (b) and section 10 of this chapter the money
 9 attributable to the county's property reassessment fund if, by the date
 10 the distribution is scheduled to be made:

11 (1) the county auditor has not sent a certified statement required
 12 to be sent by that date under IC 6-1.1-17-1; or

13 (2) **the county assessor has not forwarded the duplicate copies**
 14 **of all approved exemption applications required to be**
 15 **forwarded by that date under IC 6-1.1-11-8(a);**

16 to the department of local government finance.

17 (f) Except as provided in subsection (i), if the elected township
 18 assessors in the county, the elected township assessors and the county
 19 assessor, or the county assessor has not transmitted to the department
 20 of local government finance by October 1 of the year in which the
 21 distribution is scheduled to be made the data for all townships in the
 22 county required to be transmitted under IC 6-1.1-4-25(b), the state
 23 board or the department shall not distribute under subsection (b) and
 24 section 10 of this chapter a part of the money attributable to the
 25 county's property reassessment fund. The portion not distributed is the
 26 amount that bears the same proportion to the total potential distribution
 27 as the number of townships in the county for which data was not
 28 transmitted by August 1 as described in this section bears to the total
 29 number of townships in the county.

30 (g) Money not distributed ~~under subsection (e)~~ **for the reasons**
 31 **stated in subsection (e)(1) and (e)(2)** shall be distributed to the county
 32 when:

33 (1) the county auditor sends to the department of local
 34 government finance the certified statement required to be sent
 35 under IC 6-1.1-17-1; **and**

36 (2) **the county assessor forwards to the department of local**
 37 **government finance the approved exemption applications**
 38 **required to be forwarded under IC 6-1.1-11-8(a);**

39 with respect to which the failure to send **or forward** resulted in the
 40 withholding of the distribution under subsection (e).

41 (h) Money not distributed under subsection (f) shall be distributed
 42 to the county when the elected township assessors in the county, the
 43 elected township assessors and the county assessor, or the county
 44 assessor transmits to the department of local government finance the
 45 data required to be transmitted under IC 6-1.1-4-25(b) with respect to
 46 which the failure to transmit resulted in the withholding of the
 47 distribution under subsection (f).

(i) The restrictions on distributions under subsections (e) and (f) do not apply if the department of local government finance determines that:

(1) the failure of:

(A) a county auditor to send a certified statement; **or**

(B) **a county assessor to forward copies of all approved exemption applications;**

as described in subsection (e); or

(2) the failure of an official to transmit data as described in subsection (f);

is justified by unusual circumstances."

Delete pages 12 through 13.

Page 14, delete lines 1 through 12.

Page 15, line 31, delete "SECTION 13" and insert "**SECTION 14**".

Re-number all SECTIONS consecutively.

(Reference is to EHB 2005 as printed April 8, 2003.)

Senator ZAKAS